

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LEE SANNING,

Plaintiff,

v.

BOARD OF TRUSTEES OF WHITMAN  
COLLEGE

Defendant.

NO. 4:15-cv-05055-SAB

**JURY TRIAL SCHEDULING  
ORDER**

A telephonic scheduling conference was held in this matter on February 16, 2016. Frederick H. Gautschi, III appeared on behalf of Plaintiff, and Michael Porter and Megan Starich appeared on behalf of Defendant.

The Court has reviewed the parties' Joint Status Certificate, ECF No. 23, has heard from counsel, and is fully informed.

Accordingly, **IT IS ORDERED:**

**1. *Civility and Professional Conduct***

Counsel should review and employ Local Rule 83.1 (Civility) and Washington Rule of Professional Conduct 3.4 (Fairness To Opposing Party And Counsel).

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1 **2. *Settlement Conference/Mediation***

2 The parties are encouraged to engage in settlement negotiations as early as  
3 possible and should contact the Court if they believe a settlement  
4 conference would be helpful.

5 **3. *Initial Disclosures***

6 The parties shall disclose their Fed. R. Civ. P. 26(a)(1) material no later than  
7 **March 11, 2016**. These initial disclosures shall not be filed with the Court.

8 **4. *Motions to Amend Pleadings or Add Parties***

9 Any motion to amend pleadings or add named parties shall be filed and  
10 served on or before **August 15, 2016**.

11 **5. *Expert Disclosures***

12 **A. Initial Expert Disclosures**

13 Each Party shall identify its experts and serve written reports as required by  
14 Rule 26(a)(2) on all other parties no later than **July 26, 2016**. Each Party  
15 shall also provide dates for which those experts can be available for  
16 deposition.

17 **B. Rebuttal Expert Disclosure**

18 Each Party shall identify its rebuttal experts and serve written reports as  
19 required by Rule 26(a)(2) on all other parties no later than **August 25, 2016**.  
20 Each Party shall also provide dates for which those experts can be available  
21 for deposition.

22 **C. Modifications**

23 The parties may modify the deadline for exchange of expert disclosures by  
24 joint stipulation filed with the court; a motion is not required.

25 **6. *Discovery***

26 (a) All discovery shall be completed on or before **October 24, 2016**.

27 (b) To be timely, discovery requests must be served sufficiently in  
28 advance of the deadline to allow for timely response by the cutoff date.

(c) The parties shall file no discovery except as necessary to support motions or objections.

(d) To avoid wasted time and expense, Counsel may contact chambers to schedule a telephonic conference to obtain an expedited ruling on discovery disputes. Prior to the conference, each party may file a one page summary explaining the discovery dispute.

**7. *Dispositive Motions***

All dispositive motions shall be filed and served on or before **November 1, 2016**.

**8. *Daubert Motion Deadline***

Challenges to the admissibility of expert opinion testimony shall be made by written motion and filed by **September 2, 2016**. If the party challenging expert testimony anticipates that an evidentiary hearing shall be required, the party shall so advise the Court and opposing counsel in conjunction with the filing of its motions.

**9. *Exhibit and Witness Lists***

(a) Exhibit lists and witness lists shall be filed and served and exhibits made available for inspection (or copies provided), on or before **February 6, 2017**.

(b) The witness list shall include identification of each witness's testimony.

(c) Where feasible, all exhibits identified in depositions shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be numbered 200 and following.

(d) Objections to the opposing party's witness list or exhibit list and any accompanying briefs shall be filed and served on or before **February 13, 2017**.

(e) Responses, if any, to objections shall be filed and served on or before **February 21, 2017**.

**10. *Pretrial Exhibit Stipulation***

(a) The parties shall prepare a pretrial exhibit stipulation that shall contain each party's numbered list of all trial exhibits with the opposing party's objections to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there is no objection shall be deemed admitted, subject to any objections at trial that could not be raised in advance.

(c) The pretrial exhibit stipulation shall be filed on **February 21, 2017**.

(d) Objections to witness and exhibits shall be heard at the pretrial conference.

**11. *Designation of Testimony***

(a) Designation of substantive, as opposed to impeachment, deposition testimony shall be by highlighting and shall be served upon opposing counsel, but not filed, on or before **January 27, 2017**.

(b) Cross-designations by highlighting in a different color shall be served, but not filed, on or before **February 13, 2017**.

(c) Objections to any designated deposition testimony shall be filed and served on or before **February 21, 2017**, and shall be heard and resolved at the pretrial conference.

(d) Copies of designations to which there are objections shall be provided to the Court on or before **February 21, 2017**.

**12. *Motions in Limine***

(a) Motions in Limine shall be filed and served on or before **January 30, 2017**.

(b) Responses shall be filed and served on or before **February 6, 2017**.

(c) Replies shall be filed and served on or before **February 13, 2017**.

(d) Motions in Limine shall be noted for hearing at the pretrial conference.

**13. *Pretrial Order***

(a) A joint Pretrial Order, prepared in accordance with the format provided in Local Rule 16.1(b) shall be filed on or before **February 21, 2017** and a copy e-mailed in Word format to the Court at [bastianorders@waed.uscourts.gov](mailto:bastianorders@waed.uscourts.gov)

(b) The list of exhibits contained in the joint Pretrial Order shall reflect the exhibit marking scheme described above in paragraph 9c.

(c) In preparing the joint Pretrial Order, the parties shall confer regarding duplicate exhibits and determine which party will submit such exhibits for trial.

**14. *Trial Briefs and Proposed Voir Dire*** shall be filed by **February 16, 2017**.

**15. *Jury Instructions***

No later than **February 16, 2017**, the parties shall:

(a) Confer regarding jury instructions and file jointly proposed jury instructions and a table of proposed Jury Instructions. The jointly proposed Jury Instructions should address only issues that are unique to this case and shall include instructions regarding the elements of each claim, any necessary definitions, and a proposed verdict form.

(b) If any proposed instruction is a modified version of model instructions, the parties shall identify the modification and legal authority for the modification.

**16. *Court Dates***

(a) An in-person pretrial conference will be held on **February 27, 2017**, at **1:30 p.m.** in **Richland**, Washington.

(b) The **jury** trial shall commence on **March 13, 2017**, at **9:00 a.m.** in **Richland**, Washington. Counsel estimates a trial length of 6 days.

17. The Court requires that the following be submitted to the courtroom deputy clerk on the first day of trial:

(a) Exhibits for presentation at the trial in tabbed binders indexed by exhibit number with exhibit tags placed consistently on the bottom right corner of each exhibit. Counsel shall submit to the Court an original binder and two copied binders of their exhibits together with three discs or flash drives containing the same.

(b) One copy of a final joint exhibit list.

(c) One copy of witness lists in the order in which the witnesses are expected to be called to testify.

18. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this schedule shall not be modified unless the Court finds good cause to grant leave for modifications. Rule 16(f) of the Federal Rules of Civil Procedure provides for sanctions for failure to obey the Scheduling Order.

**IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

**DATED** this 17th day of February 2016.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian  
United States District Judge